

In The Matter Of:

*Germaine Bomar v.
City of Pontiac, et al*

*David Wheatcroft
January 22, 2009*

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[1] A: No.
[2] Q: Do you have a recollection of that day?
[3] A: Some recollection.
[4] Q: Did you write any reports concerning that day?
[5] A: No, I did not.
[6] Q: It is my understanding that there was a drug raid being
[7] conducted at the Neome Street address; is that correct?
[8] A: Correct.
[9] Q: And you were participating in that with several other
[10] officers?
[11] A: Yes.
[12] Q: Do you remember who was in charge of the raid?
[13] A: I don't recall whose raid it was. Sergeant Cosby was
[14] the supervisor.
[15] Q: You participated in that raid at 56 Neome Street?
[16] A: Correct.
[17] Q: Would it be correct to say that you and several other
[18] officers left that scene to go to 154 North Genesee?
[19] A: Yes.
[20] Q: Do you remember what led you to go to the North Genesee
[21] address?
[22] A: We were informed that there was supposed to be a car
[23] showing up at the Neome address that had some drugs and
[24] weapons in it.
[25] Q: Who informed you of that?

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[1] A: I don't recall who, specifically.
[2] Q: Was there a connection between that car and the North
[3] Genesee address?
[4] A: We set up outside waiting for the car to show up. A car
[5] came around the corner onto Neome, seen us, backed up
[6] and sped off.
[7] Q: Were you outside to see that?
[8] A: Yes.
[9] Q: Prior to that, if you know, had another car shown up
[10] before that time and had been detained by officers on
[11] the raid crew?
[12] A: Yes.
[13] Q: So this was a second car that arrived on the scene?
[14] A: Correct.
[15] Q: You are indicating that it backed up on Neome Street and
[16] left?
[17] A: Yeah, it backed up from Neome onto Elizabeth Lake Road.
[18] Q: What happened after that?
[19] A: The car went west on Elizabeth Lake. Myself, Officer
[20] Main and Officer Wood got into another vehicle.
[21] Q: All right. Slow down. You, Officer Main and who else?
[22] A: I believe it was Officer Wood.
[23] MR. GOLDSTEIN: John or Brian?
[24] THE WITNESS: Brian.
[25]

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[1] BY MR. HUGHES:
[2] Q: Could you describe for me what he looks like in
[3] terms of height, weight, race?
[4] MR. GOLDSTEIN: Main or Brian Wood?
[5] MR. HUGHES: Brian Wood.
[6] A: He's roughly six foot, white male, blond hair, probably
[7] 190 pounds.
[8] BY MR. HUGHES:
[9] Q: So all three of you left the location at Neome
[10] Street?
[11] A: Correct.
[12] Q: Who was driving the vehicle that you left in?
[13] A: I don't recall exactly who was driving.
[14] Q: You say the vehicle backed up down Neome Street and went
[15] westbound on Elizabeth Lake?
[16] A: Correct.
[17] Q: Was there a point in time when you lost the visual
[18] contact with that vehicle?
[19] A: Yes.
[20] Q: Then what direction did your car go, I guess?
[21] A: We went south on Neome, and Neome wraps around and comes
[22] back into Genesee.
[23] Q: Was the thought at that time that you may intercept that
[24] car going-
[25] A: (Interposing) Correct.

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[1] Q: -in an on-coming direction towards your vehicle,
[2] correct?
[3] A: Yes.
[4] Q: It is my understanding that that did not happen, you
[5] didn't see a vehicle fitting the description that left
[6] the house driving on the street; would that be correct?
[7] A: Correct.
[8] Q: Can you give me a description of the vehicle that left
[9] the house?
[10] A: All I seen, it looked like a dark colored four-door
[11] sedan type vehicle.
[12] Q: Make or model, do not know?
[13] A: I don't know for sure what it was.
[14] Q: Was it dark out at that time?
[15] A: Yes.
[16] Q: At some point your direction was directed to 154 North
[17] Genesee; is that correct?
[18] A: Correct.
[19] Q: Why was that?
[20] A: As we were coming up Genesee, we seen a vehicle in the
[21] driveway that appeared similar to the vehicle that we
[22] had seen. There was a light on at the back of the house
[23] and somebody standing at the back of the house.
[24] Q: You know, I apologize if you answered this already but
[25] were you outside at the Neome Street address at the time

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[1] this dark four-door sedan pulled up?
[2] A: Yes.
[3] Q: Did you have a chance to see how many people were in the
[4] car?
[5] A: No, I did not.
[6] Q: Do you have any kind of a description of the person who
[7] was driving the car?
[8] A: No.
[9] Q: You indicated that you saw a similar car at — what you
[10] thought was a similar car at 154 North Genesee?
[11] A: Correct.
[12] Q: What did you do at that point?
[13] A: We exited the vehicle and approached the house.
[14] Q: When you say we, would that be Officer Main, yourself
[15] and Brian wood?
[16] A: Yes.
[17] Q: What happened next?
[18] A: I went around to the — in front of the house and went
[19] to the south side of the house.
[20] Q: What was Officer Main and Officer Wood doing; if you
[21] recall?
[22] A: They went up the driveway around to the back side of the
[23] house.
[24] Q: Did you hear Officer Main say anything to the individual
[25] who was in the driveway?

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[1] A: No, I did not.
[2] Q: Did you say anything of a verbal command as you were
[3] approaching the house?
[4] A: No.
[5] Q: Did you observe the individual doing anything at the
[6] back of the house as you first approached?
[7] A: No, I did not.
[8] Q: Was he just standing there or—
[9] A: I don't know what he was doing. I went around the other
[10] side of the house so I have no visual of anybody at the
[11] back of the house.
[12] Q: Did you have a flashlight with you or anything like that
[13] to illuminate your way?
[14] A: I had — I have a flashlight that I carry on me. I
[15] don't know if I had it out.
[16] Q: Do you recall if any of the other officers were shining
[17] flashlights in the backyard as they approached the
[18] house?
[19] A: I have no idea.
[20] Q: Did you have your weapon drawn?
[21] A: I don't believe — I don't know for sure. I couldn't
[22] tell you. I may have had my entry weapon as a long gun
[23] but I don't even know if I had that or just my pistol.
[24] I don't recall.
[25] Q: You don't recall whether you had it out?

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[1] A: No.
[2] Q: Do you recall whether Officer Main or Officer Wood had a
[3] weapon drawn?
[4] A: I don't recall if they had one or not.
[5] Q: So you approached from the opposite side of the house
[6] that Main and Wood were going?
[7] A: Correct.
[8] Q: There came a time when you got to the back of the house?
[9] A: I reached the back — near the back of the house on the
[10] corner and at that point I heard somebody say they're
[11] going towards the front or they're heading towards the
[12] front. So at that point I left that post and went back
[13] around toward the front of the house.
[14] Q: When you heard someone say they're going towards the
[15] front, did you recognize the voice?
[16] A: I did at that time but at this point I don't know
[17] exactly who it was. I know it was either one of the two
[18] officers, Officer Main or Officer Wood.
[19] Q: At that point you went back towards the front of the
[20] house?
[21] A: Yes. I went back around the front of the house. I
[22] didn't see anybody up there so I went through the
[23] driveway and up to the one point where Officer Wood and
[24] Officer Main had originally went.
[25] Q: When you got up to the point where Officers Wood and

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[1] Main were, what do you see going on?
[2] A: Officer Wood had the son — I apologize, I don't know
[3] his name — he had the son on the ground. He was
[4] standing over top of him.
[5] And Officer Main was dealing with
[6] the mother, and I believe he had her on the ground at
[7] the time.
[8] Q: When you say Officer Wood had — was this a black male?
[9] A: Yes.
[10] Q: He was down on the ground?
[11] A: Correct.
[12] Q: Was he handcuffed?
[13] A: I don't recall whether he was handcuffed or not at that
[14] particular time.
[15] Q: When you say had him down on the ground, can you
[16] describe that a little bit better?
[17] A: Laying on the ground on his stomach face down. His head
[18] was turned to the side but his body was flat on his
[19] stomach.
[20] Q: That was Officer Wood?
[21] A: Correct.
[22] Q: Did he have his body over him to subdue him, to weight
[23] him down?
[24] A: No, he wasn't — he wasn't standing on him or anything.
[25] He was just — I don't know if he was kneeling down or

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[1] standing up behind him. I don't recall exactly what he
[2] was doing with him.
[3] Q: You said Officer Main was dealing with the female-
[4] A: (Interposing) Correct.
[5] Q: -who also was on the ground?
[6] A: Yes.
[7] Q: Did you notice if she was handcuffed?
[8] A: I don't believe she was. He was still in the process of
[9] trying to handcuff her.
[10] Q: At some point did you become aware that she was
[11] handcuffed by Officer Main?
[12] A: I know they were both handcuffed at a later point. I
[13] remember seeing cuffs on both of them. I don't know at
[14] which point she was actually cuffed.
[15] Q: Was that Officer Main who would have put the cuffs on
[16] the female?
[17] A: I'm not sure who actually cuffed her. When I came
[18] around the back of the house and I took charge of the
[19] male that was laying on the ground, and Officer Wood
[20] then went to assist Officer Main.
[21] Q: You say you took charge of the male that was on the
[22] ground. Was he handcuffed at that time?
[23] A: Yeah, I believe so.
[24] Q: You do not recall whether you put handcuffs on him?
[25] A: No, I don't believe it was my cuffs. No, I think he was

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[1] already cuffed by that time.
[2] Q: At any point did you enter into the home at North
[3] Genesee?
[4] A: No, I did not.
[5] Q: Did you see any officers in the home at North Genesee?
[6] A: No, I did not.
[7] Q: So by the time that you came around down the driveway,
[8] saw what was happening in the backyard, you have Officer
[9] Main, a female, Officer Wood and a male in the backyard;
[10] is that correct?
[11] A: Correct.
[12] Q: You never saw Main go in the back door?
[13] A: No.
[14] Q: After you took control of the male, what did you do?
[15] A: Actually, just knelt down beside him and was trying to
[16] get him — because he was yelling and upset, you know,
[17] so I was just trying to calm him down.
[18] Q: What was he yelling; do you know?
[19] A: I don't even remember. He was just yelling. I don't
[20] know if he was yelling for his mom or—
[21] Q: Can you estimate at this point how long the handcuffs
[22] would have been on him?
[23] A: At that point when I was talking to him?
[24] Q: Right.
[25] A: Probably under a minute.

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[1] Q: Under a minute?
[2] A: Under a minute, two at the most.
[3] Q: How was it that he was uncuffed; did you do that on your
[4] own volition or on someone else's order?
[5] A: I don't recall. I believe it came out that once
[6] everything calmed down we just took the cuffs off him
[7] because he was cooperative at that point.
[8] Q: Did you notice if he had any mark on his forehead or
[9] anything like that indicating injury?
[10] A: I didn't see any.
[11] Q: How far away were you, when you had, I guess, custody of
[12] the male, from Officer Main and the female that was on
[13] the ground?
[14] A: They were probably, I'd say, eight to ten feet away.
[15] Q: Did you have a fairly good viewpoint of what was
[16] happening with the female and Officer Main then?
[17] A: No. I was concerned with the male that was on the
[18] ground. I was trying to talk to him and calm him down
[19] so I wasn't paying attention to anything over there.
[20] Q: Do you know whether any pepper spray was used that
[21] night?
[22] A: I'm not sure about that.
[23] Q: So that means you're not aware either way; is that
[24] correct?
[25] A: Yeah, I couldn't tell you if it was or if it wasn't.

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[1] Q: Describe to me how you were dressed that night.
[2] A: What they call urban camo — which is kind of black and
[3] gray camo — black tactical vest.
[4] Q: By camo, we're talking camouflage; is that right?
[5] A: Yeah. It's kind of a black and gray pattern.
[6] Q: And the tactical vest?
[7] A: Yeah, it's a black tactical vest that says "Police" in
[8] white letters across the front and back.
[9] Q: What about Officer Main, was he dressed similarly; if
[10] you know?
[11] A: I don't know.
[12] Q: How about Officer Wood?
[13] A: He would have been dressed similar to me.
[14] Q: At some point Officer Cosby came to that address; do you
[15] remember?
[16] A: Sergeant Cosby, yes.
[17] Q: Did you have any discussions with him?
[18] A: I didn't, no.
[19] Q: Did you hear any discussions he was having with Officer
[20] Main or Officer Wood?
[21] A: I didn't hear anything, no. He spoke to them but the
[22] context of what they spoke about, I have no idea.
[23] Q: Were you there when any other police officers arrived at
[24] the scene?
[25] A: Yes.